

STATE OF WISCONSIN
Senate Journal
Ninety–Fifth Regular Session

WEDNESDAY, February 28, 2001

The Chief Clerk makes the following entries under the above date.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 64

Relating to: shared revenue payments for former utility property.

By Senators M. Meyer, Moen, Wirch, Breske, Baumgart, Hansen, Schultz and A. Lasee; cosponsored by Representatives Hahn, Shilling, Gronemus, Johnsrud, Plouff, Huebsch, Ott, Schooff, Musser, Kreuser, Turner, Huber, Montgomery, Owens, Skindrud, Sykora, Wade, Jeskewitz, Leibham, Kestell, F. Lasee, Seratti and Krawczyk.

To committee on **Universities, Housing, and Government Operations.**

Senate Bill 65

Relating to: a sales tax and use tax exemption on tangible personal property used in the business of farming.

By Senators M. Meyer, Shibilski, Breske, George, Schultz, Zien, A. Lasee, Harsdorf, Roessler, Welch and Baumgart; cosponsored by Representatives Seratti, Ott, Musser, Sykora, Plale, Albers, Freese, Lassa, Starzyk, Huebsch, Miller, Rhoades, Suder, Kestell, Olsen, Ward, Kreibich, Owens, Johnsrud, F. Lasee, Townsend, Gundrum, Nass, Ainsworth, Lippert, J. Fitzgerald, Pettis, Grothman, Wasserman, D. Meyer, Wade, Stone, Gunderson, Underheim, Petrowski, Friske, Loeffelholz, Krawczyk, Hundertmark and Jensen.

To joint survey committee on **Tax Exemptions.**

Senate Bill 66

Relating to: certain applicants for preference points under the cumulative preference system for issuing Class A bear hunting licenses.

By Senators Plache, Shibilski and Schultz; cosponsored by Representatives Gunderson, Suder, Ryba, Stone, Plouff, Meyerhofer, Lippert and Pettis.

To committee on **Environmental Resources.**

Senate Bill 67

Relating to: requiring public service commission approval of mergers, consolidations, and certain other transactions involving telecommunications utilities.

By Senators Baumgart, Robson and Erpenbach; cosponsored by Representatives Black, Powers, Shilling,

Musser, Carpenter, Bock, Ryba, Berceau, Huber, La Fave, Young, Turner, Miller, J. Lehman and Cullen.

To committee on **Health, Utilities, Veterans and Military Affairs.**

Senate Bill 68

Relating to: appointment of students to the board of regents of the University of Wisconsin System.

By Senators Grobschmidt, Decker, Moore, Burke, Risser, Darling, Baumgart, Hansen and Roessler; cosponsored by Representatives Lassa, Young, La Fave, Black, Bock, Shilling, Richards, Pocan, Ryba, Cullen, Plouff, Jeskewitz, Plale, Boyle, D. Meyer and Berceau.

To committee on **Universities, Housing, and Government Operations.**

Senate Bill 69

Relating to: state aid for special education and school age parents programs.

By Senators Grobschmidt, Burke, Shibilski, Risser, Breske, Plache, George, Robson and Hansen; cosponsored by Representatives Schooff, Plale, Sinicki, La Fave, Staskunas, Ryba, Bock, Colon, Boyle, Gronemus, Miller, Pocan, Wasserman, Johnsrud, Berceau, J. Lehman, Lassa, Morris–Tatum, Williams, Turner, Richards, Seratti, Sykora, Plouff, Black and Balow.

To committee on **Education.**

Senate Bill 70

Relating to: requiring law enforcement officers to report traffic violations and accidents involving any foreign diplomat to the federal department of state.

By Senators Breske, Grobschmidt, Burke, Roessler and Schultz; cosponsored by Representatives Stone, Albers, Turner, Musser, Krawczyk, La Fave, Kreuser and Gunderson, by request of U.S. Department of State.

To committee on **Insurance, Tourism, and Transportation.**

Senate Bill 71

Relating to: uniform fees chargeable for certified duplicate health care records and X–ray reports and referral of X–rays and granting rule–making authority.

By Senators Decker, Burke, Moen, Erpenbach, Plache, Baumgart, Moore, George, Grobschmidt and Schultz; cosponsored by Representatives M. Lehman, Staskunas, Underheim, Ziegelbauer, Seratti, Loeffelholz, F. Lasee, McCormick, Bock, Wood, Gronemus, Miller, Cullen, Kreuser, J. Lehman, La Fave, Colon, Huber, Plouff and Hebl.

To committee on **Health, Utilities, Veterans and Military Affairs.**

Senate Bill 72

Relating to: authorizing the state superintendent of public instruction to award grants for family involvement in education projects and making appropriations.

By Senators Grobschmidt and Burke; cosponsored by Representatives Sinicki, Bock, Pettis, Gronemus, Lassa, Plale, Turner, Ryba, Richards, Seratti, Gunderson, Miller and Shilling.

To committee on **Education**.

REPORT OF COMMITTEES

The committee on **Environmental Resources** reports and recommends:

Senate Joint Resolution 2

Relating to: the right to fish, hunt, trap, and take game (first consideration).

Senate substitute amendment 1 adoption.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Adoption as amended.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart
Chairperson

The committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform** reports and recommends:

BAUMBACH, JERRY, of Sun Prairie, as a member of the Public Defender Board, to serve for the interim term ending May 1, 2002.

Confirmation.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

BERKOS, DANIEL M., of Mauston, as a member of the Public Defender Board, to serve for the term ending May 1, 2002.

Confirmation.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

HARRIS, ROBERTA A., of Milwaukee, as a member of the Public Defender Board, to serve for the interim term ending May 1, 2000 and for the full term ending May 1, 2003.

Confirmation.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

HERTEL, HARRY R., of Eau Claire, as a member of the Public Defender Board, to serve for the term ending May 1, 2003.

Confirmation.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

SIKOWSKI, ILEEN P., of Crivitz, as a member of the Judicial Commission, to serve for the term ending August 1, 2002.

Confirmation.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Senate Bill 49

Relating to: creating an office of public intervenor in the department of justice and making an appropriation.

Passage.

Ayes, 3 – Senators George, Risser and Wirch.

Noes, 2 – Senators Huelsman and S. Fitzgerald.

Gary George
Chairperson

The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

Senate Bill 40

Relating to: prohibiting certain telephone solicitations, requiring the registration of telephone solicitors, requiring the exercise of rule-making authority, making an appropriation, and providing penalties.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 4 – Senators Erpenbach, Jauch, Plache and Huelsman.

Noes, 1 – Senator S. Fitzgerald.

Passage as amended.

Ayes, 3 – Senators Erpenbach, Jauch and Plache.

Noes, 2 – Senators Huelsman and S. Fitzgerald.

Jon Erpenbach
Chairperson

The committee on **Senate Organization** reports and recommends:

Assembly Joint Resolution 4

Relating to: commending Dick Bennett on his career, accomplishments, and contributions to Wisconsin basketball.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

Assembly Joint Resolution 25

Relating to: the life and public service of Joseph L. Looby.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

Assembly Joint Resolution 26

Relating to: the life and public service of Sister Thomas More Bertels.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

Assembly Joint Resolution 27

Relating to: congratulating Marlene A. Cummings for her long-term services and wishing her well in her future endeavors.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

Assembly Joint Resolution 29

Relating to: commending Joe Leraan for his years of public service in the Wisconsin state senate and the department of health and family services.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

Assembly Joint Resolution 30

Relating to: commemorating the distinguished record and public service of Cate Zeuske.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

Assembly Joint Resolution 31

Relating to: honoring the life of Ben Barkin.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

Senate Joint Resolution 22

Relating to: the life and public service of Daniel T. “Tom” Kelley.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

Senate Joint Resolution 23

Relating to: the life and public service of Helmar A. Lewis.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

Senate Joint Resolution 24

Relating to: honoring and commending the devoted public service of Sue Ann Thompson.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

Charles Chvala
Chairperson

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Department of Administration**

February 16, 2001

The Honorable, The Legislature:

Chapter 34, Laws of 1979, requires that when the Department of Administration maintains an office in Washington, DC, for the purpose of promoting federal/state cooperation, it should submit a report detailing the activities of the office and reporting the status of federal legislation of concern to the Legislature and other state agencies (Wis. Stats. 16.548(2)).

The report for the period October, 2000, through December, 2000, is attached.

Sincerely,

GEORGE LIGHTBOURN

Secretary

**State of Wisconsin
Legislative Audit Bureau**

February 27, 2001

The Honorable, The Legislature:

As required by 1999 Wisconsin Act 9, we have completed a limited-scope review of the fiscal year 1999-2000 funds provided to the University of Wisconsin-Madison Medical School’s Center for Tobacco Research and Intervention. In the 1999-2001 biennial budget, the Center was appropriated \$1.0 million annually from the funds received as part of the State’s lawsuit settlement with tobacco manufacturers, which is known as the Master Settlement Agreement. The Center uses the funds it receives to support education, outreach, and research activities related to tobacco prevention and cessation.

Overall, we found the Center has developed and implemented adequate procedures to help ensure compliance with legislative intent and general statutory requirements that funds be used only for tobacco prevention and cessation activities. However, because of delays in finalizing the State’s 1999-2001 biennial budget, as well as the need for start-up time to develop the programs, few expenditures have been incurred to date. therefore, it is too early to assess the effectiveness of the Center’s programs.

We appreciate the courtesy and cooperation extended to us by the University of Wisconsin staff during our review.

Sincerely,

JANICE MUELLER
State Auditor

State of Wisconsin

Southeast Wisconsin Professional Baseball Park District

February 22, 2001

The Honorable, The Legislature:

Attached please find the Miller Park monthly progress report for the month of January 2001 for your review and consideration. As the enclosed report indicates, Miller Park continues to develop with the District Board’s objectives of building the premier baseball facility in the country; scheduled for play Opening Day 2001: within budget: and with strong community participation.

Please feel free to contact me if you have any questions or comments regarding the enclosed report.

Sincerely,

MICHAEL R. DUCKETT, P.E., R.L.S.
Executive Director

State of Wisconsin

Department of Public Instruction

March 1, 2001

The Honorable, The Senate:

Wisconsin school laws include the following provisions in s. 115.45(6)(b) and (c), Wis. Stats.:

SECTION 115.45 Grants for preschool to grade 5 Programs.

(6) the state superintendent shall:

(b) By March 1, 1986, and annually thereafter, submit to the joint committee on finance and the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172(3), a budget report detailing the grants he or she intends to award under this section in the next fiscal year. The report shall provide summary data on the results of the annual testing required under sub. (4)(b) and include a description of the guidelines

used to determine the individual schools and private service providers that will receive funds under this section and the types of expenditures eligible for such funds.

(c) Annually submit to the legislature under s. 13.172(2) a report on the academic progress made by pupils enrolled in preschool to grade 5 programs under this sections.

All Preschool-to-Grade-5 (P-5) evaluation reports for 1999-2000 are contained herein as well as a report on the academic progress for all schools funded by the P-5 program. If you have questions, please contact my office or Sandra Dercole in the DPI Office of Urban Education (414-227-4942).

Sincerely,

JOHN T. BENSON
State Superintendent

Referred to committee on **Education**.

**State of Wisconsin
Ethics Board**

February 27, 2001

The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 2001 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us/>

- Blumenfeld, Michael **Milwaukee Jewish Federation, Inc**
- Boxer, Barbara K **Waukesha Water Utility**
- Brewer, Patrick **Lexmark International**
- Brozek, Michael **National Marine Manufacturers Association**
- Brozek, Michael **Lexmark International**
- Driessen, Anthony **WorldCom Inc**
- Fendry, James E **Firearms Tech Inc**
- Fonfara, Thomas **WorldCom Inc**
- Gifford, Michael **AIDS Resource Center of Wisconsin Inc**
- Ingram, Lester **Milwaukee Area Technical College**
- Linton, Barbara **Lexmark International**
- Luthin, Charles **Wisconsin Wetlands Association**
- McCoshen, Carol **Dairy Business Association**
- McCoshen, William J **Dairy Business Association**
- O'Meara, Jack **Wisconsin Utilities Association Inc**
- Olson, Richard L **Wisconsin Industrial Energy Group**
- Schwoch, Robert **AIDS Resource Center of Wisconsin Inc**
- Wrocklage, James **Wisconsin Alliance of Employers Purchasing Healthcare Inc**

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by organizations that employ lobbyists.

Sincerely,

ROTH JUDD
Director

**REFERRALS AND RECEIPT OF
COMMITTEE REPORTS CONCERNING
PROPOSED ADMINISTRATIVE RULES**

Senate Clearinghouse Rule 00-158

Relating to the state jurisprudence examination.

Submitted by Department of Regulation and Licensing.

Report received from Agency, February 26, 2001.

Referred to committee on **Human Services and Aging**, February 28, 2001.

Senate Clearinghouse Rule 00-170

Relating to continuing education and temporary practice.

Submitted by Department of Regulation and Licensing.

Report received from Agency, February 26, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, February 28, 2001.

Senate Clearinghouse Rule 00-182

Relating to stale electronic food stamp accounts.

Submitted by Department of Workforce Development .

Report received from Agency, February 23, 2001.

Referred to committee on **Human Services and Aging**, February 28, 2001.

Senate Clearinghouse Rule 01-001

Relating to a motor vehicle emissions inspection program.

Submitted by Department of Transportation.

Report received from Agency, February 27, 2001.

Referred to committee on **Insurance, Tourism, and Transportation**, February 28, 2001.

The committee on **Education** reports and recommends:

Senate Clearinghouse Rule 00-083

Relating to school district audits.

No action taken.

Richard Grobschmidt
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

Senate Clearinghouse Rule 00-144

Relating to the computerized veterinary examination.

No action taken.

David Hansen
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

Senate Clearinghouse Rule 00-126

Relating to renewal of expired credentials.

No action taken.

Senate Clearinghouse Rule 00-153

Relating to sufficiency of nomination papers.

No action taken.

Mark Meyer
Chairperson

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Joint Resolution 18

Report correctly enrolled on February 23, 2001.

**LEGISLATIVE REFERENCE BUREAU
CORRECTIONS**

CORRECTIONS IN:

**ASSEMBLY AMENDMENT 3,
TO 2001 ASSEMBLY BILL 3**

Prepared by the Legislative Reference Bureau
(February 22, 2001)

In engrossing, the following correction was made:

1. Page 2, line 8: delete “(am)”.

**ASSEMBLY AMENDMENT 1,
TO 2001 ASSEMBLY BILL 37**

Prepared by the Legislative Reference Bureau
(February 21, 2001)

1. Page 1, line 3: delete “1M” and
substitute “1m”.

2. Page 2, line 5: delete “Page 2” and
substitute “Page 2,”.

3. Page 2, line 6: delete “on”.